

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	
WILLIAM H. BORROWS, R.N.	:	
License # 26NR12294500	:	FINAL ORDER
	:	OF DISCIPLINE
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. William H. Borrows ("Respondent") is a Registered Professional Nurse (RN) in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. Respondent was asked to provide documentation of nursing continuing education completed since June 1, 2011.

3. Respondent provided documentation of a total of 73.15 hours of nursing continuing education, of which at least 63.4 contact hours constitute qualifying education. Sixty (60) of those hours were completed on March 14, 2015.

4. On his 2013 renewal application, Respondent indicated that he would have completed are required continuing education for the June 1, 2011 - May 31, 2013 licensing cycle by May 31, 2013.

#### CONCLUSIONS OF LAW

Respondent's inability to demonstrate timely completion of thirty (30) contact hours of required continuing education, i.e., continuing education completed within the June 1, 2011 - May 31, 2013 period, constitutes a violation of N.J.A.C. 13:37-5.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's indication on his 2013 renewal application that he would have completed all required continuing education for the June 1, 2011 - May 31, 2013 licensing cycle by May 31, 2013 is deemed to constitute misrepresentation in violation of N.J.S.A. 45:1-21(b).

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a reprimand and a two hundred and fifty dollar (\$250) civil penalty was entered on

April 6, 2015. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Respondent timely responded to the Provisional Order of Discipline and argued that the Board had no proof that Respondent had engaged in the use or employment of dishonesty, deception, or misrepresentation pursuant to N.J.S.A. 45:1-21. Respondent maintains that he timely completed continuing education, but admits that he cannot provide documentation thereof. Respondent argues that the Board would have to prove that he had the intent to engage in the use or employment of dishonesty, deception or misrepresentation.

The Board in making its determination notes that in In re Y.L., 437 N.J. Super. 409, 414 (App. Div. 2014), the Appellate Division recently upheld the denial of an application by an applicant who had misrepresented on her application (provided answers that were not truthful, accurate, and complete) and

stated that "misrepresentation does not generally require the intent to deceive."

When licensed professionals apply to renew their licenses, they are asked questions. The online renewals are designed so that the licensee certifies their answers by submitting the online application. Respondent was asked whether he had completed the required continuing education (30 hours within June 1, 2011 - May 31, 2013). Respondent answered yes and certified that answer by submitting the online application. The onus is on the professional to ensure that they have maintained the documentation to support their answer regarding continuing education. N.J.A.C. 13:37-5.3(f) requires nurses to maintain documentation of completion of continuing education and to submit it to the Board upon request. Respondent certified that he had completed the required continuing education and when asked to provide corresponding proof to his professional licensing Board, was unable to do so. Respondent failed to demonstrate, to the satisfaction of the Board, that he had timely completed the required continuing education. Thus his answer on the biennial renewal misrepresented that he had satisfied the continuing education requirements when he could not document said satisfaction.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary. The Board was not

persuaded that the submitted materials merited further consideration. The Board determined that Respondent's failure to timely complete thirty hours of continuing education within the June 1, 2011 - May 31, 2013 biennial period warrants a two hundred and fifty dollar (\$250) civil penalty, as well as a reprimand for his corresponding answer on the renewal application where he certified that he had completed the required continuing education and was unable to demonstrate, to the satisfaction of the Board, that he had done so.

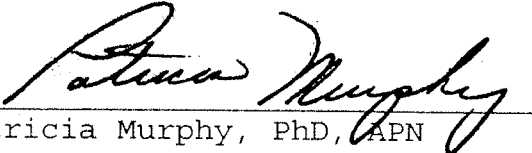
ACCORDINGLY, IT IS on this 1<sup>st</sup> day of July, 2015,  
ORDERED that:

1. A public reprimand is hereby imposed for the violation of N.J.S.A. 45:1-21(b).

2. A civil penalty in the amount of \$250 is hereby imposed for the violation of N.J.A.C. 13:37-5.3. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than twenty-one (21) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate

of debt shall be filed in accordance with N.J.S.A. 45:1-24 and  
the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By:   
Patricia Murphy, PhD, APN  
Board President